

Public Notice

U.S. Army Corps of Engineers, Norfolk District

February 16, 2007

CENAO-REG
NAO 2007-0705/07-V02444

FEDERAL PUBLIC NOTICE

The District Commander has received a joint application for Federal and State permits as described below:

APPLICANT

Berkshire Residential Development
Attention: Mr. Steve Wood
1 Beacon Street, Suite 1500
Boston, Massachusetts 02108

WATERWAY AND LOCATION OF THE PROPOSED WORK: The 7-acre parcel is located at 443 Oyster Point Road in Newport News, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to fill 1.22 acres of palustrine emergent wetlands and 0.004 acres of palustrine forested wetlands for the development of a multi-unit residential apartment complex, associated parking and utilities.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ) assuring that applicable laws and regulations pertaining to water quality are not violated and a permit from the Newport News Wetlands Board. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies

and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Commander within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Commander will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.virginia.gov.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-REG), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on March 16, 2007.

If you have any questions about this project or the permit process, please call:

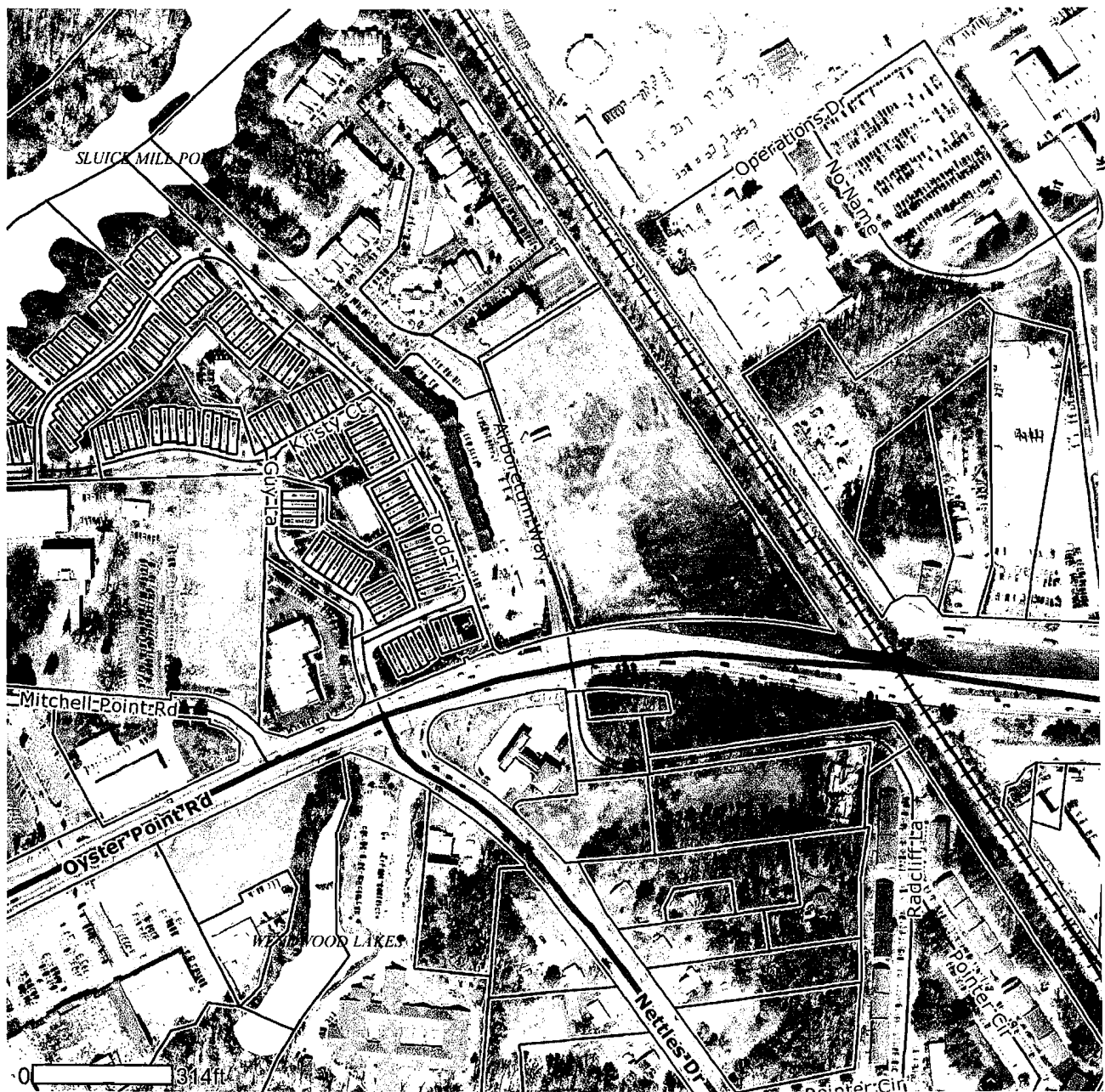
Ms. Cara Sydnor 757.201.7580.

FOR THE DISTRICT COMMANDER:

Michael A. Schwinn
Chief, Western Virginia
Regulatory Section

Attachments:

1. Location Map
2. Development Plan



LEGEND:

—— PROPERTY BOUNDARY

NOT TO SCALE

2004 COLOR AERIAL PHOTO

Project: 443 OYSTER POINT ROAD
FRANKLIN, VIRGINIA

Date: FEBRUARY 10, 2006

Proj. #: 06101

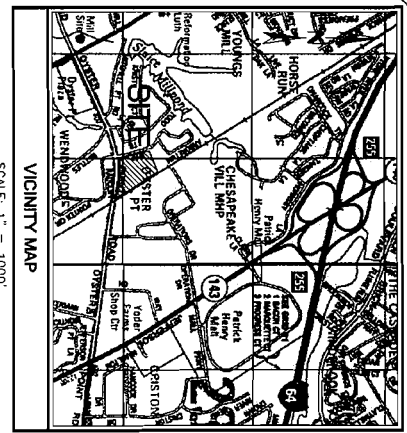
MAP ENVIRONMENTAL INC.



116 LANDMARK SQUARE
Suite 101
Virginia Beach, VA 23452

Office: (757) 498-6131
Fax: (757) 498-6132

SECONDARY DATA

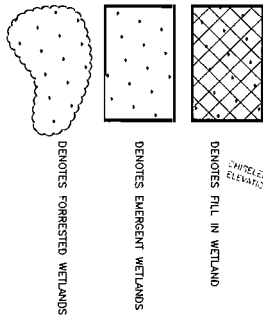


SCALE: 1" = 1000'
COPYRIGHT ADD THE MAP PEOPLE PERMITTED USE
NUMBER 20101100

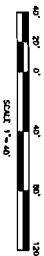
SITE DATA	
ZONED R7	
SETBACKS	
FRONT YARD	30 FT.
REAR YARD	20 FT.
SIDE YARD INTERIOR LOT	20 FT.
TOTAL AREA	308,735 SF. / 7.088 ACRES
OPEN SPACE	222,103 SF.
IMPERVIOUS AREA	188,514 SF.
REQUIRED GREEN SPACE	308,735 x 0.20=61,747 SF.
PROVIDED GREEN SPACE	120,221 SF.
TOTAL # UNITS	151
GARAGE PARKING	63 SPACES
SURFACE PARKING	222 SPACES
PARKING RATIO	285/151=1.89 SPACES/UNIT

U. S. ARMY CORPS OF ENGINEERS
RECEIVED
FEB 02 2007
BY

RECEIVED
JAN 29 2007
MARINE RESOURCES
COMMISSION



WETLAND DATA
TOTAL EMERGENT WETLANDS = 75,603 S.F. (1.735 AC.)
TOTAL FORESTED WETLANDS = 19,677 S.F. (0.452 AC.)
TOTAL DISTURBED WETLANDS = 35,720 S.F. (0.817 AC.)
DISTURBED FORESTED WETLANDS = 182 S.F. (0.004 AC.)



**PRELIMINARY LAYOUT PLAN
FOR
ARBORETUM WAY
APARTMENTS**
NEWPORT NEWS, VIRGINIA

REVISIONS	DATE
REVISOR PER JOINT PERMIT APP.	01/09/07
REVISOR PER NEW BUILDING LAYOUT	10/20/06

BURGESS & NIPLE
184 BUSINESS PARK DRIVE, SUITE 125, VIRGINIA BEACH, VA 23462-6533
PH. (757) 490-3566 FAX (757) 490-9224